

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated January 10, 2005. Claims 6, 9-25, 27-31, and 33-43 are currently pending in the application. As indicated above, Claims 36, 38, 40, and 42 have been amended. It is gratefully acknowledged that the Examiner has allowed Claims 6, 9-24, and 33-35.

In the Office Action, Claims 25, 27-31, 36, 38, 40, and 42 were rejected under 35 U.S.C. §102(e) as anticipated by *Kuwahara et al.* (U.S. 6,597,678 B1), and Claims 37, 39, 41, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kuwahara* in view of *Ogawa et al.* (U.S. 6,590,532).

With regard to the rejection of Claims 37, 39, 41, and 43 under 35 U.S.C. §103(a) as being unpatentable over *Kuwahara* in view of *Ogawa*, it is respectfully submitted that *Ogawa* is not prior art in the present application. That is, the present application was filed in the U.S. Patent and Trademark Office on March 8, 2001. *Ogawa*, however, has an effective U.S. filing date of December 18, 2001, which is after the filing date of the present invention. Accordingly, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 37, 39, 41, and 43 as being unpatentable over *Kuwahara* in view of *Ogawa*, and it is respectfully requested that the rejection of Claims 37, 39, 41, and 43 be withdrawn.

As indicated above, independent Claims 25, 36, 38, 40 and 42 were rejected as allegedly being anticipated by *Kuwahara*. More specifically, the Examiner asserts that *Kuwahara* teaches all the elements of Claims 25, 36, 38, 40 and 42. However, Claim 25 recites *wherein if the forward signal forms an omnidirectional beam, the forward fading estimator estimates complex forward fading information { β_i^F , $i = 1, 2, \dots, M$ }*. Although the Examiner cites col. 4, lines 10-40, col. 8, line 39 through col. 9, line 10, it is respectfully submitted that no section of *Kuwahara* that teaches this recitation.

Additionally, with regard to independent Claims 36, 38, 40, and 42, as indicated above, each of these claims has been amended to recite the apparatus and method elements of the forward fading information extraction unit of allowed Claim 6. Accordingly, it is respectfully submitted that Amended Claims 36, 38, 40, and 42, are also in condition for allowance.

As stated above, independent Claims 25 and 36-43 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 27-31, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 27-31 is respectfully requested.

As indicated above, Claims 6, 9-24, and 33-35 have been allowed.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 6, 9-25, 27-31, and 33-43, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Peter G. Dilworth
Reg. No. 26,450
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PGD/DMO/las